

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
APPEAL FROM ORDER (ST) NO. 21295 OF 2017

Dilip Chunilal Mistry & Anr	...Appellants
<i>Versus</i>	
Pratap Nanalal Mistry & Ors	...Respondents

Mr SN Vaishnav, *a/w Nupr J Mukherjee, Kirtika S Kothari, i/b NN Vaishnawa & Co, for the Appellants.*
Mr Sunil Patel, *i/b M/s. Sunil & Co, for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 31st July 2017

PC:-

1. The appeal can be disposed of by keeping open all rival rights and contentions in respect of the properties involved. The fact that some properties are in the names of one or more of the defendants or that transfers have been effected in their names in the property card or in the municipal records will not prejudice the plaintiffs in the suit since the suit seeks a declaration of rights. No further clarification is required.

2. The appeal is disposed of in these terms. The suit and further proceedings will be decided on their merits uninfluenced by the observations in the impugned order.

3. It goes without saying that all transfers effected are subject to the final orders in the suit.

(G. S. PATEL, J)